

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JOAQUIN MENDEZ PEREZ, INDIVIDUALLY
AND ON BEHALF OF OTHERS SIMILARLY
SITUATED,

21-cv-6641 (JGK)

ORDER

Plaintiffs.

- against -

HORNITO'S RESTAURANT CORP., ET AL.,

Defendants.


JOHN G. KOELTL, District Judge:

The plaintiffs have filed a proposed order to show cause for a default judgment as to the three defendants, Roberto Hernandez, Junior Hernandez, and Hornito's Restaurant Corp. ECF No. 42. The certificates of default that the plaintiffs filed in connection with the proposed order to show cause recite that each defendant "has not filed an answer or otherwise moved with respect to the complaint." See ECF No. 39 at 2; ECF No. 40 at 2; ECF No. 41 at 2. However, as the plaintiffs' counsel acknowledged in her affidavit in support of the proposed order to show cause, the defendants filed an answer to the plaintiffs' complaint on October 15, 2021. See ECF No. 43 ¶¶ 6, 34; ECF No. 16.

If the plaintiffs wish to pursue an order to show cause for a default judgment, they should assure that it is supported by accurate certificates of default.

SO ORDERED.

Dated: New York, New York
April 14, 2022



John G. Koeltl
United States District Judge